

# Notice of Allowability

Application No.

10/782,288

Examiner

Samir M. Shah

Applicant(s)

MCSHEFFREY ET AL.

Art Unit

2856

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/13/2006.
2. ☒ The allowed claim(s) is/are 17-21 and 23-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Samir M. Shah

***Allowance***

1. Claims 17-21 and 23-29 are allowed.

***Election/Restrictions***

2. This application is in condition for allowance except for the presence of claims 1-16 and 30-49 directed to species non-elected without traverse. Accordingly, claims 1-16 and 30-49 have been cancelled.

***Oath/Declaration***

3. The supplemental declaration filed 9/13/2006 is acknowledged and accepted.

***Drawings***

4. The drawings were received on 9/13/2006. These drawings are acceptable.

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance:
  - (a) Claim 17 is allowed, over the prior art, only because of the limitation "medical" in combination with the rest of the limitations in the claim.
  - (b) As to claim 17, note is made of the limitations, "medical" and "docking station, wherein the detector is electrically connected...and the electronic circuit is at least partially contained within the docking station" in combination with the rest of the

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limitations in the claim. Note is also made of the benefit of "docking station" in the Specification (see page 8, lines 29-30; page 9, lines 1-2, 19-28).

(c) The closest reference, Sheffield et al. (US Patent 5,123,409 henceforth "Sheffield") teaches that a supply of oxygen in a tank may be used with a mask to provide oxygen (as a medical fluid) to an individual wherein, the tank may be monitored, e.g. for quantity of gas remaining in the tank, by the use of a pressure gauge (36), which necessarily demands that the tank be within the view of any individual who is checking/monitoring the tank (See column 3, lines 40-46).

Sheffield does not teach the use of such an oxygen tank in a hospital. Moreover, Sheffield does not teach any application of a remote inspection or a wireless monitoring system.

The second closest reference Lameyer (US Patent 4,246,046 henceforth "Lameyer") teaches the use of oxygen tanks to effectively provide oxygen to patients in a hospital (See column 1, lines 15-20)

Secondary reference Brazier et al. (US Patent Application Publication 2003/0071736 A1 henceforth "Brazier") discloses a wireless monitoring system for a pressurized container including, a container/tank (11) which is pressurized (See fig. 1, paragraph 0034, lines 4-6); a detector/sensor (14) in operative communication with the pressurized fluid for measure of a predetermined internal/operating condition of the container (11) (See fig. 1, paragraph 0041, lines 1-3); an electronic circuit/transmitter in communication between the detector/sensor and a remote central station/control (50) for issue of a wireless signal (16) to the remote central station/control (50) (See fig. 1,

paragraph 0051, lines 1-3), the wireless signal including information about the predetermined internal/operating condition (See paragraph 0042, lines 1-3).

However, Sheffield, Lameyer and Brazier fail to disclose a “docking station” in combination with “medical” as defined in claim 17.

(d) Therefore, the prior art neither teaches nor provides a motivation to combine the above-mentioned limitations in combination with rest of the limitations in claim 17.

### ***Conclusion***

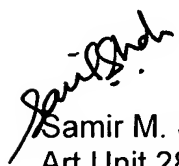
6. The prior art made of record and not relied upon, cited in the attached 892 form, is considered pertinent to applicant's disclosure.

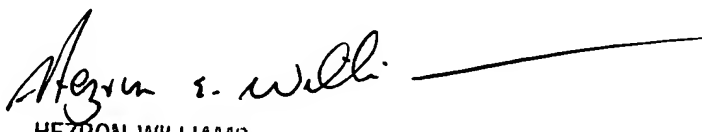
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Samir M. Shah  
Art Unit 2856  
9/28/2006

  
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